

REMARKS

Claims 1, 2, 5 and 6 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Pearce et al., U.S. Publication No. 2004/0247744A1 in view of Shaft et al., U.S. Patent No. 6,395,321B1. This rejection is respectfully traversed.

The present invention is directed to a carbonated candy-vitamin preparation which consists essentially of vitamins, sucrose, starch syrup (maltose syrup), sodium bicarbonate and carbon dioxide. The carbonated candy-type vitamin preparation of the present invention is manufactured by following steps 1 to 8 as recited in claim 1 of the present application, the final form of the candy-type vitamin preparation of the present invention having a constitution of a crushed mass and, as such, bears no resemblance to a film.

Pearce is directed to an orally soluble edible film that disintegrates quickly upon placement in the human mouth. Please see in this regard paragraph [0004] in Col. 1 as well as claim 1 of prior art reference where it is recited that snacks for human consumption are provided with orally soluble edible films that disintegrate quickly upon placement in a human mouth without leaving substantial residue that can be felt by the human tongue or which needs to be swallowed or ejected from the mouth. The orally soluble edible film of Pearce essentially contains a film-forming agent, such as pullulan, hydroxypropylmethyl cellulose, polyvinyl pyrrolidone, carboxymethyl cellulose, etc., (please see pages 1 and 2 and paragraphs [0005] to [0016] that is used to form the shape of the film. Also, Figs. 1-4 show that the final form of the invention taught by Pearce is a film.

Furthermore, Pearce teaches that the orally soluble edible film may include small bits of a gas-releasing agent (gasified candy) therein which provides an effervescence property (see page 5, paragraphs [0048] to [0049]. The gasified candy may be produced from a mixture of sucrose, lactose, corn syrup, carbon dioxide and/or sodium bicarbonate (please see page 5, paragraph [0055] and page 7, paragraph [0071]). However, the gasified candy *per se* does not contain vitamins as an essential element, as defined by the present invention. Rather, Pearce teaches that the bits of the gasified candy can be inserted into an encapsulated film made of the orally soluble edible film (please see pages 6-7 and paragraph [0071]). For example, the bits of the gasified candy can be coated on the film as can be seen in Fig. 13, or put between layers of the orally

soluble edible film as shown in Fig. 14. Accordingly, it can be concluded that Pearce teaches an orally soluble edible film that contains a film-forming agent as an essential element and is further characterized by bits of gasified candy which are coated on the surface of the film or put between layers of the film. In contradistinction thereto, the present invention does not include a film-forming agent and therefore is not in the shape of a film. Also, the carbonated candy-type vitamin preparation of the present invention is not combined with any film. Thus, it is believed that Pearce fails to recognize or appreciate the Applicant's inventive contribution.

Shaft is merely cited by the Examiner to teach the packaging and enclosing of food items such as candy in a hermetic package. Shaft does not mention or suggest the application of its packaging system to a carbonated candy-type vitamin preparation consisting essentially of a vitamin, sucrose, starch, syrup (maltose syrup), sodium bicarbonate and carbon dioxide, as defined by the present invention.

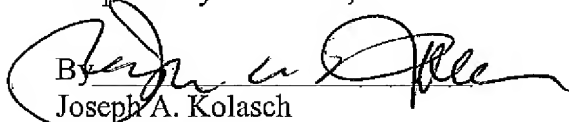
Accordingly, in view of the above amendments and remarks reconsideration of the rejection and allowance of all of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,


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